

REMARKS/ARGUMENTS

In response to the Restriction Requirement mailed December 15, 2003, the Applicants respectfully elect Group I with traverse.

Although the inventions of Groups I, II and III are distinct, they differ only in scope and form. The Examiner, however, has cited MPEP 806.05(d) and provided examples of how each group may have an alternate use. It is respectfully asserted these uses cannot be accomplished in light of each group's recited claim language.

MPEP 806.05(d)

Only one-way distinctness is required.

The examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination.

Care must be taken to determine if the subcombinations are generically claimed. Where subcombinations as disclosed and claimed are both (a) species under a claimed genus and (b) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to related inventions. If restriction is improper under either practice, it should not be required (MPEP § 806.04(b)).

The burden is on the examiner to provide an example.

If applicant proves or provides an argument, supported by facts, that the other use, suggested by the examiner, cannot be accomplished or is not reasonable, the burden is on the examiner to document a viable alternative use or withdraw the requirement.

Group I recites, in part, "receiving at a management information system a request for agricultural product information, the request including an agricultural product identifier...."

Applicants fail so see how claim 1 that specifically recites a method drawn to agricultural product information can have a utility such as a method of determining where a driver of a motor vehicle is driving a stolen car by scanning the license plate, as asserted by the Examiner.

Group II recites, in part, "a report tool to receive a request for agricultural product information, the request including an agricultural product identifier and to access an agricultural product record...." Applicants fail so see how claim 16 and claim 35 that recites systems specifically drawn to agricultural product information can have a utility such as a rental car unit (system) to identify the car by license plate and logging it as returned, as asserted by the Examiner.

Similarly, Group III recites, in part, "A machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to receive a request for agricultural product information, the request including an agricultural product identifier...."

Applicants fail to see how claim 35 that recites a system specifically drawn to agricultural product information can have a utility such as a medium on which music is recorded and played, as asserted by the Examiner.

In conclusion, the alternate uses as suggested by the Examiner are not viable alternative uses because the recited claims are specifically and clearly drawn to agricultural product information, records, and data. Thus, the examiner has failed to sustain the burden required for restriction and it is respectfully asserted the burden has shifted to the examiner to document a viable alternative use or withdraw the requirement as required by MPEP 806.05(d)


Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8598



André I. Marais

Registration No. 48,095